WHAT IS WRONG WITH THE ADMINISTRATION OF OUR CRIMINAL LAWS?[1]

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The question, "What is wrong with the administration of our criminal laws?" has often been answered. The answers, however, have been so varied that the public is still much confused. An ex-president of the United States has declared that the trouble is with our court procedure, which he says is "a disgrace to our civilization." Another has declared, with much emphasis, that the fault is with our judges, who are either corrupt or are so blind to the problems of the time that they obstruct progress and deny justice to the great body of our people. Others but little less distinguished have said that the answer to the question is found in our corrupt and vicious police departments, whose apparent partnership with criminals has made them a menace to society.

The remedies proposed for all these ills are as varied as the ills themselves. Some point to what they call England's model court system; others demand that the judges and their decisions be recalled. Some would have judges appointed for life; others for short terms; others would have no judges at all. Some want judges elected with a circle; others without the circle; some with long ballots; others with short ballots. Some would hang all grave offenders; others would parole them. Some would destroy prisons; others would make them more attractive.

We are constantly reminded that crime is much more prevalent here than in England. It is said that this is due to the fact that the police of European cities are more honest; that their criminal procedure is more simple; that their judges are more learned, experienced and efficient. Much misinformation on this subject is abroad. The prison population of England and Wales is much greater than our own, although we have twice the number of inhabitants. Persons accused of serious crimes there must be tried by indictment, the same as in Illinois and in most of our states. The percentage of judgments set aside by the English Court of Criminal Appeals in the last four years exceeds

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that of the Supreme Court of Illinois and of any other court of last resort in the United States. Twenty-five per cent of all the convictions of condemned persons who appealed to the English Court of Criminal Appeals during the last four years were quashed, and such condemned persons discharged from further prosecutions, and found that the judgments of trial courts in fifty-one per cent of all the criminal cases heard by the Court of Criminal officials, during that period, were found to be erroneous and were set aside, while the Supreme Court of Illinois reversed but thirty-seven per cent of its criminal cases, and the average reversal of criminal cases in all courts of final appeal in the United States was less than twenty-three per cent.

Nor can it be said that the English judges are men of longer training and experience, for the average term of office for the judge of the High Court of Justice, including the chancery and King's Bench division in 1912, was but eight and one-half years, while the average term of service of the judges in Cook County for the last twenty years is eleven and one-half years. Nor are English judges more efficient. Several of them are now over eighty years of age, and the average age of the judges of the House of Lords and the High Court of Justice is now sixty-seven years, while the average age of our judges in Cook County is today below fifty years.

By reason of the fact that our judges are in middle life and their experience in the trial of cases is equal to or greater than that of the English judges, they dispose of more business during the same length of time than is disposed of by any equal number of judges in England.

After all this has been said in favor of our American courts it still remains true that crime is much more prevalent in the United States than it is in England; and that almost as many murders are committed annually in Chicago as in the whole of England and Wales. What, then, is the explanation? Are we Americans less honest, sincere, home-loving, patriotic and law-abiding than our English contemporaries? Is our moral sense less acute? Have our aims been less lofty and our achievements less noble? Have we been less ambitious for the poor and down-trodden? Have our toilers in the mills and factories and upon the farms had less of our care? Have we given less heed to the welfare of our children or been more unmindful of the women who are to become the mothers of our race?

No, in none of these have we lagged, but in nearly all of them have we led the world to higher and nobler achievements. Wherein, then, have we failed? The answer lies in the very nature of our political structure. In England the administration of justice has, through many centuries, developed into a science. Justice there is as cold and

heartless as an iceburg, and it moves with the same steadiness and precision. Back of every criminal prosecution stands stern old John Bull, pointing an accusing finger and summoning to his aid ten centuries of English rule and world mastery. To be accused there is almost to be condemned. Every part of the great machinery of justice fits into every other part with exact precision. The prisoner is tried automatically, and he looks in vain to his accusers for sympathy. He is never the equal of his triors. They are in his world but not of it.

Politics play but little part in the administration of justice in English cities. The Lord Mayor of London is but a figure-head. He is the chief of the dress parade. His functions are almost wholly social. He is not chosen by the people but by certain aristocratic trade guilds and he has but little influence in governmental affairs. The crown prosecutors in that city are not appointed because of their political affiliations. They stand for the enforcement of all the laws. The real governors of the city are the alderman who are elected for life and who are not moved by changing political conditions.

Under our American system of local governments, many wide gaps are left open for the escape of professional criminals, and it is through these that at least fifty per cent of our worst criminals annually elude justice. Some of these gaps will be noted in detail with some suggestions as to the manner of closing them.

I.

How great is the contrast between the government of English and American cities. Here the mayor is the controlling force within the city. His will determines the policy of the administration. The police are wholly under his direction. If he desires all laws rigidly enforced every police officer is at his command and will obey his orders. If he desires certain laws enforced and others ignored, these officers stand ready to obey. He appoints the law prosecutors of the city, and his policy in reference to the enforcement of law becomes their policy. When an election for mayor is impending, all candidates are called upon to declare their attitude toward the enforcement of certain laws. Usually the candidates vie with each other, in proclaiming the liberality of their views with reference to many laws aimed to correct social evils. These views are interpreted to mean, what they were intended to mean—that the candidate, if elected, will either ignore many laws or openly permit them to be violated. The election follows. The policy of enforcing some laws and of permitting others to be broken becomes the fixed program of the administration. The police, from patrolman to inspector, await with nervous anxiety the outcome of the

election, for upon the result will depend the manner of the performance of their duty. If one candidate is elected, special emphasis will be placed upon the enforcement of certain laws, and no effort made to enforce others. If another candidate is elected the emphasis may be reversed. In the view of the writer, too much blame has been heaped upon our police departments for their failure to enforce the ordinances and laws of the city. As a body of men they usually stand ready to obey orders, and there is no character of vice or crime that cannot be effectually suppressed if the police understand their orders and are certain they will be protected in every honest effort to obey them.

One of the greatest evils of our present system is, that a police officer is permitted to exercise a discretion in arresting men and women whom he finds violating the law, and it is in the exercise of this discretion that the greatest opportunity for graft is offered. No one who is engaged in a legitimate business will pay graft for the protection of that business. The honest business man looks to the law for his protection. It is only the men and women who are illegally protected in carrying on an illegal business who will pay graft for the protection of that business. When the time arrives that candidates for mayor and state's attorney will vie with each other in declaring their fealty to all the laws and to an impartial unqualified enforcement of them, the days of police graft will be at an end. Then every officer will know his duty in advance and will be prepared for its performance. Then there will be no opportunity for the exercise of a discretion which is both dangerous and demoralizing to the community.

What is true of the mayor is equally true of the state's attorney. We have witnessed in the last few years candidates for this office who openly declared before election that if elected they would not prosecute the violators of certain laws against the state. What a spectacle of a state so weak that its own hired servants spurn its laws and refuse to enforce them!

Nor are the mayors and state's attorneys entirely to blame for this situation. By long experience they have learned that the majority of our people are opposed to Puritanism in municipal affairs and are easily frightened at the suggestion of a further restraint upon what they choose to call their personal liberty. This condition, however, cannot justify an executive officer in assuming that a law was not made to be enforced. The same influence in a lesser degree affects our courts. The judges are sometimes elected after declaring their open antagonism to certain laws.

Greater, however, than all other evils in our judiciary is its lack of unity. Instead of a unified judicial system in Illinois we have a jum-

ble of disconnected and disjointed courts each pursuing its own way with but little regard to any other. We have the justice of the peace, municipal, county, probate, juvenile, superior, circuit, appellate and supreme courts. As a system it has neither head nor tail. The Supreme Court has no power to direct the work of any other court or lay down a single rule for their adoption, while any justice of the peace may declare all laws of the legislature unconstitutional and void. Different methods of procedure prevail in the different courts, resulting often times in the greatest confusion. Besides being cumbersome and wholly unsuited to our needs, it is inexpressibly wasteful of public money and disastrous to poor and honest litigants. Instead of seven clerks selected by the people, and seven hundred assistants in Cook County, all chosen by them for political reasons, we should have but one clerk and he appointed by the judges of the several courts. This change alone would save $500,000 annually. The clerks should not be removed as soon as they have become efficient. The procedure should be uniform. Instead of each court separately promulgating rules of practice these should be prescribed by the Supreme Court.

The power to declare acts of the Legislature unconstitutional should be limited to the Supreme Court. The inefficiency of our present system appears at its worst in our disposition of criminal cases. There is not a judge holding office in Cook County today but who was elected, the first time, because of some service he rendered to his political party. The state's attorney, the prosecutor and all their assistants are there because of the same kind of service. The clerks of our courts and their assistants, the sheriff and bailiff, and all their assistants, are all receiving their rewards for carrying precincts or wards for some party or candidate. No man can be a successful precinct president who has not, in some way, made many friends in his precinct who, when called upon, will vote at a primary or election as he dictates. His reward is a political job. Having secured the job, he becomes a debtor to the many people who aided him. Still more of a debtor is the judge or state's attorney, who has been compelled to go through a long campaign. Poor and friendless indeed is the man or woman who has violated the criminal law, who is not able to find among the several hundred friends of the clerks and bailiffs of the court, or of the prosecuting or state's attorney, or of the judge, one or more persons who will intercede with the court in his behalf, not with any idea of wrongdoing, but simply as a generous service, in a common friendship. And strong must be the judge who will always resist such pleading.

It is at this point that our system more often breaks down in our large cities than at any other. Judges are only human. One election

is scarcely over before the incumbent begins to look forward to the next. He hesitates to offend one who has befriended him and whose future service may be much needed. It would be impossible to estimate how much we have sacrificed in the enforcement of law and good order to this outgrown and expensive political system.

It would be difficult to imagine a court system better calculated than ours to open up avenues of escape for the professional criminal. Under our police system particular duties are assigned to police officers, and when so assigned they are limited in their duties to the particular work given them. In this way many policemen are constantly engaged in controlling the street traffic; others are assigned to guard public buildings and grounds; some to look after gambling; some disorderly houses, etc., leaving comparatively few officers who are assigned to general police duty. Many professional criminals operate in our large cities for a long time without being arrested, either because they have shrewdly eluded the police, or because their haunts are owned by those whose influence gains them immunity from arrest. This is the first avenue of escape, and no man can tell how wide it is.

II.

The number of arrests, however, in our cities is very large. In 1911, 21,296 persons were arrested in Chicago on criminal charges, and 71,434 for violating the city ordinances. Of those arrested on criminal charges, 21% or 4,224 escaped trial by the well known *"nolle pros"* route, and 6,505 of those arrested for violating city ordinances escaped by the friendly nonsuit route. Who will say that the friends and the friends' friends, political, social, business, religious and otherwise of the men and women whose cases were thus disposed of were not active and that their labors bore rich fruit. It would not be fair to say that all *"nolles* and nonsuits" are directly due to such influences, but the weakness of our whole system lies in the fact that the public can never know whether the influences, and the motives which led to these dismissals before trial, were good or evil, and the public is justified in its suspicion that justice, being proverbially blind, has often been sorely cheated.

Any system of court procedure is intolerable which permits 21% of those arrested by the police, charged with serious crimes, to be summarily released before a word of evidence has been heard by the court for or against them. In 1910 there were 13,680 persons arrested for felonies in England and Wales, and in only 24 cases were *nolles* entered by prosecuting officers and these were entered with the consent of the presiding judge. In the same year 684,625 cases were tried by the courts of summary jurisdiction in England and none were nonsuited.

Of this number 525,949 persons were convicted, 82,588 were found not guilty, and 76,088 were placed under police surveillance. Under their system prosecutors and judges work to the same end, that being the discovery of the guilt or innocence of the accused. The long established practice of permitting *nolles* and nonsuits, without the consent of the court, is an evil that far overshadows all questions of antiquated pleadings. The judge is as much a servant of the public as the state's attorney or city prosecutor. He is employed by the same public, and is responsible for the administration of justice in his court, and should know and approve of every dismissal before trial.

A proper amendment should be made to our existing laws requiring the consent of the court of such dismissals.

III.

Notwithstanding these two roads leading away from our temples of justice, there are still many offenders who are unable to escape through either of them, and are forced to face the court and meet the accusations against them. If these are able to stand the test and obtain from court or jury a verdict in their favor they are entitled to go free without let or hindrance from any man. No one has just ground of complaint against the man who, having submitted his cause to a jury of his peers, has been discharged by their verdict. A new avenue of escape has loomed up recently for those who, after trial, have been found guilty. It is a broad and generous avenue created out of the noblest impulses of the human heart. Vengeance as an element in the punishment of men for crime has long since been swallowed up by an impelling desire to help those who have taken their first false step. We have come to feel more and more that the real differences between good men and bad men are differences of degree only; and that although the city accuses those who violate its laws, yet its very life depends upon the conservation of the things that make for good citizenship, and the reclamation of the men and women who have not always measured up to that standard. So we have our parole laws, excellent in themselves, but possessing in the manner of their enforcement positive dangers to society. What should be our guide in paroling men, and who should be paroled, are questions which daily confront every judge sitting in the criminal courts. Earnest and appealing arguments for clemency will be made for nearly every condemned man or woman who comes before the court. An old and dependent mother, a weak and half-starved wife, a troop of half-clad and ill-nourished children, all these speak loudly to to do that which the parole laws gives him the power to do, but the doing of which will only further menace a community already terrified by

the court, appealing to his heart and conscience, and urging him often acts of outlawry. All these are proper influences and should have just weight with the court. But there may be and often are other influences at work—the friends and the friends' friends, the alderman, the political backer, the man who is always behind the scene and draws the curtain when the play begins. All these are vital forces in the administration of the parole law.

The easiest thing for any judge to do is to parole everybody. By so doing he will always please the weeping mothers, wives and children, the friends and the friends' friends, the politicians and everyone else who may be interested in the accused. The hardest thing for a judge to do is to carefully weigh the interests of the whole community against the special interests of the few, and to give the community its just consideration. To remedy in part this broad opening of the flood gates of crime some provision should be made in the law for a systematic investigation of every case before parole by properly commissioned officers, and no parole should be granted by the judge without first having given due consideration to the recommendations of such investigators.

IV.

But there are still some offenders who have failed to elude the police, been denied a *nolle pros,* found the gates to a merciful parole closed against them, who having been condemned to punishment are still undiscouraged and look about for some other means of escape. In Chicago those who have committed felonies, judged by past experiences, have little need for fear, for although all the evidence in their cases has been carefully heard by duly elected judges of the Municipal Court, and these judges have expressed the belief in their guilt, yet of what avail is such belief, when all these judges can do is to send them to a body of twenty-four untrained laymen, who are responsible to no one, who know but little law and none of the rules of evidence. These men are expected to rehear the accusing evidence heard by the judge, and then by a vote of the majority decide whether the accused shall be held for trial.

The whole proceeding is foolish and farcical, and it is simply incomprehensible that such a body should longer be permitted to obstruct justice and bring the criminal laws into further contempt in our large cities. Before the case has reached the grand jury the professional crook has usually bought off most of the witnesses who were to appear against him; other witnesses have left the state or been swallowed up in the city and can't be found. The result is no action is taken by the grand jury, or a no bill is voted.

In 1911, 2,946 different persons were held to the grand jury in Chicago on felony charges. The committing judges found that the accused were probably guilty of the offense charged against them. Of this number over 800 persons were never indicted, and were turned loose to continue their depredations. In this number were many old-time thieves, burglars and common crooks, who have become experts in escaping through the grand jury sieve. What excuse is there for longer perpetuating a system which releases without a hearing 28% of the most dangerous criminals of the community?

In twenty-four of the forty-four states of the Union the grand jury is but a relic. In these states the people have learned that justice is swifter and more certain when its machinery is in the hands of experts upon whom a special duty rests. Illinois, however, stands with West Virginia, South Carolina and Maryland, where everybody lives in the glory of the past, and where anything that would interrupt our placid slumbers has been unwelcome.

It would seem hardly necessary for one whose chief business it is to despoil the public, and who by daily experience has become familiar with the avenues of escape heretofore mentioned, to hoist other sails to windward. But strange as it may seem, there are many grave offenders who have found all these gaps blocked to them and having had a fair trial, and been convicted, they stand face to face with prison gates that are yawning to recieve them. To the uninitiated the outlook at this juncture might seem grave and forboding. But not so to the professional crook. For him the game is just becoming interesting. If his crime is a misdemeanor he at once sends for his saloon-keeper friend and with the last $10.00 taken from his latest victim, he buys a writ of error and proceeds to the court that convicted him. The judge receives the purchased writ, accepts the saloon-keeper bondsman, and the crook walks out of court, feeling that the incident is closed, so far as he is concerned. He knows that it will be at least two or three years before his case will be heard in the Court of Appeals, and he also knows that there are grave chances that neither the state's attorney nor the prosecuting attorney will discover that his case is in the Appellate Court. He knows also that even though this discovery is made he has an even chance that his case will be reversed. He is not, however, the fellow to worry about what may happen three years hence. Sections 22 and 23 of the Municipal Court Act have in the last six years counteracted most of the good that has come from the prompt trials of criminal cases in that court. By the terms of these sections it is provided that when a man has been convicted he may at once sue out a writ of error, file it in the Municipal Court, present a bond to the judge of

that court, and have it approved, without any regard to whether or not in the judgment of the court, errors have been made at the trial. The result is that no matter what may be the offense for which a crook is convicted, he is immediately back upon the street plying his old trade. The judges of the Municipal Court are not required to accept such bonds, but this practice has been almost universally followed.

It is altogether probable that these two sections of the Municipal Court Act are unconstitutional, for they seek to fix the practice in the Appellate Court. If, however, they are not unconstitutional they should be speedily repealed, and convicted criminals in the Municipal Court relegated to their rights under the general laws of the state regulating appeals in criminal cases.

Hundreds of criminals in Chicago during the last six years have escaped in this way, many of them never having heard of their cases after the writs of error were filed; many others being called to account only after the expiration of two or three years. Among those who have escaped are many of the best known professional crooks, pickpockets and burglars in the city. This situation demands a radical reform. England has but one court of criminal appeal. In this court every case appealed throughout the kingdom may be heard within one to three weeks after trial, and most of the cases are heard within three days after conviction. When a man is convicted in any criminal court in England and desires to have his case reviewed, he applies to the trial judge to certify his case to the court of appeal. The trial judge may or may not comply with his request. If he denies the request, the applicant may proceed directly to the Court of Appeals and renew his application. No time is lost in the preparation of a record, but the application may be made either in person or by counsel. That court, after listening to applicant, may grant or deny the application. If it is granted, the prisoner is directed to appear at once, or upon a day close at hand, in person or with counsel, and present to the court such reasons as he may have for reversing the judgment of the trial court. If he has newly discovered evidence which he desires heard, that court will hear it, and before the judges leave the bench they will decide the appeal, and orally announce the opinion of the court. The opinions are usually very short, many not containing over fifty words, and when transcribed by a stenographer and filed in the case, become the written opinions of the court. In this way the whole time that elapses between the arrest of the accused and the final disposition of the case, in the court of last resort, does not usually exceed four weeks.

In Chicago we have four Appellate Courts, all doing the same kind of work. No good reason appears why one of these branch courts should

not be especially designated by the Supreme Court to hear criminal cases, and for this purpose hold daily sessions in order that any convicted person who desires to have his cause reviewed may go at once from the trial court to this court of appeal, and have his case, without delay, finally determined. Nor does it appear necessary that the judges of that court should write long opinions, in cases of this character; but having seen the accused in person and heard the reasons urged by himself or his counsel for his appeal, the court is in a position to at once express, from the bench, its conclusions upon the merits of such appeal. These conclusions, when written down, by the shorthand reporter, transcribed and filed in the case, should then become the written opinions of the court.

VI.

But there are other means of escape, and the number of those who pass through them is increasing yearly. We love, sometimes, to talk about the Palladium of our Liberties. We hark back to the Magna Charta and talk nobly about its guarantees against the aggression of those who sit in seats of power, until we sometimes imagine ourselves immured in dungeons, chained hand and foot. So, some of our judges sit in their seats of justice and seriously profess to believe that, somehow or other, they have been especially commissioned like the Knights of the Tenth Century to boldly go forth and liberate from intolerable thraldom all those whose chains begin to hurt. The sacred instrument with which this noble service is accomplished is the ancient and honorable writ of *habeas corpus*. The origin of this writ is lost in a maze of obscurity, but almost certain it is that prior to the Magna Charta it was an instrument of great oppression. From the Magna Charta, however, to this hour its purpose has been, not to free the guilty from just imprisonment, but to set at liberty innocent men and women who were illegally and unjustly imprisoned.

In 1807, Thomos Jefferson, then President of the United States, suspended the writ of *habeas corpus,* contrary to the express provision of the constitution, because he declared that its purpose was being thwarted, and instead of it being an instrument to free the innocent from oppression, it was tortured into an instrument to protect, and shield the guilty from just punishment. Jefferson declared that it was the duty of a judge when hearing a petition of *habeas corpus,* to remand the prisoner, if upon investigation he was of the opinion that the prisoner was probably guilty of the offense charged.

The occasion for the suspension of the writ at that time was that it was found when the government sought to arrest and punish traitors,

Aaron Burr and his co-conspirators against the government, there was always a judge of the Federal Court ready to release the culprits, upon a writ of *habeas corpus.*

Many times since Jefferson's day courts have abused the writ under the pretense that they were preserving the foundations of our civil liberty. The writ of *habeas corpus* may be the Palladium of our Liberty, but the only people who are boasting about it today in this state are the thieves, burglars, pickpockets, panderers and common crooks. When all other gates are closed and the law for once seems to be triumphant, these fellows and their attorneys begin to talk about the Magna Charter, and some judges, fairly weeping at the thought of dungeons and prison bars, like the angel to Peter, open wide the prison gates, and let the prisoners go.

From January 1, 1913, to April 1, 1913, 152 criminals were freed in Cook County upon writs of *habeas corpus.* These cases do not include those involving the custody of children. In 69 out of the 152 cases the prisoners had been fairly tried, by courts of competent jurisdiction, and sentenced to the House of Correction or County Jail for specified terms of imprisonment. The others were released while temporarily held by the police awaiting trial. Every person so brought was either released because of some supposed technical defect in the manner of his trial or commitment, or because the releasing judge unlawfully reviewed the evidence of the trial court and came to a different conclusion. It might be well worth while to know who those men are who were the victims of such oppression that it was necessary to summon to their aid this extraordinary writ of *habeas corpus.* No less than thirty-five of them are of the most notorious thieves, pickpockets and common crooks known to the police. Most of them had been regularly tried by courts of competent jurisdiction and regularly sentenced to terms of imprisonment. Some were horse thieves, others automobile thieves. At least four of them were notorious panderers who had been tried and sentenced to the House of Correction. Several were wife deserters; some child deserters; some sellers of cocaine; others sellers of fictitious stocks. Some were burglars; and some had committed deadly assaults. In the long list of 152 there was not, so far as the record appears, a single innocent man, but all were either guilty or were afraid to face a court for trial upon the merits of the accusations against them. Among this list of crooks so released are such notorious characters as Eddie Jackson, Al Jacobson, Buch Smith, Harry Myers, Louis Myers, Billie Myers, Harry Riley, Charles Werdoe, Albert Grausman, Eugene Huston, Jack Warner, Harry Frank, Martin Powers, Rube Smith, Buch Carroll, John Lewis, John Scanlan, Billy Ward, George Waterman, Joe Hodges and James McCann.

More persons are released on *habeas corpus* in Cook County in one month than are released by that means in the whole of England and Wales in five years; in fact, since the establishment of the English Court of Criminal Appeals in 1907, the writ of *habeas corpus* has seldom been issued in England. The reason is that no immediate occasion arises for its issuance. If one being tried for an offense has been found guilty and desires to have his case reviewed for any reason whatever, he has an immediate remedy by at once applying to the Court of Criminal Appeals, in person or by counsel, and receiving there an immediate hearing.

We have come to that pass in this country where we have but little to fear from the oppressions of those who are temporarily exercising governmental power. Our greatest danger lies in the opposite direction. Every influence and consideration is indulged in favor of the man who is accused of crimes, and there is but little danger but what he will receive at the hands of our courts all that his conduct merits.

What is the remedy against this growing evil? The Supreme Court clearly laid it down in the case of *People v. Zimmer,* 252 Ill. p. 9, when in rebuking a judge of the court for discharging one Edward Gard on a writ of *habeas corpus,* it said:

"The writ of habeas corpus is a high prerogative writ and when properly issued supersedes all other writs, and by reason of that fact it should be confined to its legitimate office, otherwise an ignorant, reckless or partisan judge, by usurpation, may through the writ work a great wrong to society and the state by discharging offenders who have been lawfully convicted and sentenced to imprisonment by other courts while legally exercising co-ordinate jurisdiction with the court granting such discharge. It has never been the office of the writ of habeas corpus to operate as a writ of review. * * * It is clear that the order of discharge of Edward S. Gard was a usurpation of judicial power * * * and was absolutely void."

The writer has in his possession a list of seventy-five names of the leading pickpockets of Chicago. Their faces and records are all in the Rogue's Gallery of that city. Most of them have been arrested for serious crimes for from ten to thirty times. Their victims are numbered by the hundreds. No man can read the records of their escapes from justice through the gates of our judicial system without chagrin and mortification.

Like the forty thieves of Ali Baba, their "open sesame" has thrown wide the gates of the city to a wealth of plunder which they are permitted to garner without molestation. Not only once or twice, but hundreds of times some one of these crooks has passed through the sieve of our judicial system, the meshes of which are large enough to allow sixty-five per cent of our professional criminals to escape. Our procedure is antiquated, but it is not for this reason that crime is rampant in our

large cities. If we desire a more law abiding community we must close up the gaps and compel obedience to all our laws.

To recapitulate. Our greatest needs are as follows:

(1) To abolish police discretion in matter of arresting offenders. This can be done only by eliminating partisan politics in municipal elections, and by insisting that all candidates for municipal offices shall pledge themselves to an impartial enforcement of all the laws and ordinances of the city.

(2) To abolish the practice of allowing prosecuting and state's attorneys to non-suit and *nolle pros* criminal or quasi-criminal cases without first acquainting the presiding judge with the reasons therefor and obtaining his consent thereto.

(3) To abolish the practice of requiring judges or examining magistrates to hear evidence in felony cases and holding defendants to a body of laymen to rehear the same evidence, by abolishing the grand jury.

(4) To guard against indiscriminate paroles of persons found guilty of crimes, by amending our parole law, requiring an impartial investigation by competent authority of every applicant for parole.

(5) To abolish the practice of permitting one who has been convicted of a crime and sentenced to prison to be immediately released and thereby permitted to continue his depredations by simply filing a writ of error and giving an appearance bond, by repealing Sections 22 and 23 of the Municipal Court Act and requiring one of the four branches of the Appellate court, for the First District, to hold daily sessions for the purpose of immediately hearing all appeals in criminal and quasi-criminal cases.

(6) To abolish the growing practice of reviewing the supposed errors of trial courts by writs of *habeas corpus,* by following the law as laid down in *People v. Zimmer,* 252 Ill., p. 9, and requiring those who desire their cases reviewed to go at once before the Branch Appellate Court hearing such cases.